



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DEC 19 2011

Mr. F. Allen Barnes
Director, Environmental Protection Division
Georgia Department of Natural Resources
Suite 1152 East Tower
2 Martin Luther King Jr. Drive
Atlanta, Georgia 30334

Subject: Environmental Protection Agency Approval of the National Pollutant Discharge Elimination System Program Revision; Amendment to the Georgia Rules for Water Quality Control, Rule 391-3-6-.15 (Non-Storm Water General Permit Requirements)


Dear Mr. Barnes:

This letter formally notifies you of the U.S. Environmental Protection Agency's approval of recent revisions to Georgia's National Pollutant Discharge Elimination System (NPDES) Program. Specifically, the EPA is approving revisions to the Georgia Rules for Water Quality Control, Rule 391-3-6-.15. The proposed change confers discretion on the Director of the Georgia Environmental Protection Division (EPD) to allow coverage under a non-storm water general permit without the submittal of a Notice of Intent where the Director finds that requiring such Notice would be inappropriate and where the federal regulation at 40 Code of Federal Regulations (CFR) § 122.28(b) does not require it. The amendments were adopted by the Georgia Department of Natural Resources on February 23, 2011, and became effective for state law purposes on March 23, 2011. Georgia Attorney General Samuel S. Olens certified that they have been duly adopted pursuant to applicable State laws in a Certification dated October 31, 2011. The EPA approval of the amendments was requested in a letter dated November 8, 2011, to Chris Thomas of my staff, from Jane Hendricks, Manager of EPD's Wastewater Regulatory Program. Adoption of the amendments was preceded by a public notice issued on December 16, 2010, and a public hearing held on January 18, 2011.

Based on our review of the submitted materials, we have determined that this is a non-substantial program revision which does not require a public notice under 40 CFR § 123.62(b)(2). In this connection, the EPA notes the change to Rule 391-3-6-.15 is a change that is consistent with applicable NPDES regulations at 40 CFR § 122.28 and the EPA's own implementation of general permit authority. Moreover, as noted above, the amendments have already been the subject of public notice and comment and a public hearing in Georgia. The EPA further finds that the amendments are consistent with the requirements of the Clean Water Act and applicable regulations at 40 CFR Part 123. Accordingly, the program revision is approved pursuant to 40 CFR § 123.62(b)(3).

Thank you for all of the work involved in accomplishing these regulatory changes. As always, we look forward to continued collaboration with the State in achieving our mutual environmental goals. If you have any questions, please feel free to call me directly or contact Chris Thomas, Chief of the Pollution Control and Implementation Branch, at (404) 562-9459 or at thomas.chris@epa.gov.

Sincerely,

A handwritten signature in cursive script, reading "Gwendolyn Keyes Fleming".

Gwendolyn Keyes Fleming
Regional Administrator

cc: Ms. Jane Hendricks
Manager, Wastewater Regulatory Program
Georgia EPD